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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,742	02/04/2004	Atsushi Shibutani	04081/LH	9563
1933 7590 11/23/2010 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER QUIETT, CARRAMAH J	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 11/23/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,742

Applicant(s)

SHIBUTANI ET AL.

Examiner

Carramah J. Quiett

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11-25, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 6, 12, 14-19, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 11, 13, 20-23, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/04/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1-7, 11-25, 32 and 33 are pending. Claims 3-4, 6, 12, 14-19, 24 and 25 are withdrawn.

Response to Arguments

2. Applicant's arguments with respect to claims 1-2, 5, 7, 11, 13, 20, 21, 23, 32, and 33 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3. The information disclosure statement (IDS), filed on 04/27/2010, has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. **1-2, 5, 7, 11, 13, 20, 21, 23, 32, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller et al. (Pat. App. Pub. #20020033296– herein referred to as Rothmuller) in view of Adock et al. (U.S. Pat. #7,325,198 – herein referred to as Adock).

For **claim 1**, Rothmuller discloses an image reproduction apparatus (fig. 1 and pg. 2, pgph. 0017 – the photo input devices, [i.e. digital camera, CD-ROM, etc.]) which is connectable to a memory (database) configured to record photographed image data and photographing

information of the photographed image data in association with each other (pg. 2, pgph. 0017), the image reproduction apparatus comprising:

a display (fig. 1, pg. 2, pgph. 2, 0018);

a first display control unit (tagging/sec fig. 4) configured to set a given number of display areas on the display, the display areas each being assignable to one of a plurality of different image groups (pgs. 2 and 4, pgphs. 0018, 0032-0034);

a display area selection unit (fig. 2; searching/retrieving a photo with a tag) configured to select from among the display areas, based on the photographing information recorded in the memory, a display area to which an image group including the photographed image data recorded in the memory is assigned (pgs. 2-4, pgphs. 0018-0019, 0024-0025, 0032-0034);

a second display control unit (fig. 4) configured to limit a number of the photographed image data, from among all of the photographed image data of the image group assigned to the selected display area, to be simultaneously displayed in the selected display area to a predetermined number (pg. 2, pgph. 0018; pg. 4, pgphs. 0032-0034); and

However, Rothmuller does not expressly disclose a third display control unit configured to display other photographed image data that is from among the all of the photographed image data of the image group assigned to the selected display area and that is not included within the predetermined number, by changing the predetermined number of photographed image data simultaneously displayed in the selected display area, while maintaining display control of the first and second display control units thereby continuously displaying, in the selected display area selected by the display area selection unit from among the given number of display areas on

the display, the other photographed image data of the photographed image data of the image group assigned to the selected display area.

In a similar field of endeavor, Adock discloses a third display control unit (figs. 2 and 3) configured to display other photographed image data that is from among the all of the photographed image data of the image group assigned to the selected display area and that is not included within the predetermined number, by changing the predetermined number of photographed image data simultaneously displayed in the selected display area, while maintaining display control of the first and second display control units thereby continuously displaying, in the selected display area selected by the display area selection unit from among the given number of display areas on the display, the other photographed image data of the photographed image data of the image group assigned to the selected display area (col. 3, line 54 – col. 4, line 4). Also see, figs. 13-14 & 17-18 and read col. 7, lines 10-60 & col. 8, line 59 – col. 9, line 67. In light of the teaching of Adock, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Rothmuller with the apparatus of Adock in order to provide an improved the ability to navigate, view, and manipulate a collection of digital images utilizing a GUI (Adock, col. 2, lines 48-56).

For **claim 2**, Rothmuller, as modified by Adock, discloses the apparatus according to claim 1, wherein the photographing information is information representing photographing time of the photographed image data (pg. 2, pgphs. 0018-0023).

For **claim 5**, Rothmuller, as modified by Adock, discloses the apparatus according to claim 1, wherein the second display control unit includes an image selection unit configured to select the predetermined number of photographed image data having earlier photographing

times, and a selected image display control unit configured to simultaneously display, in the selected display area, the predetermined number of photographed image data selected by the image selection unit (pgs. 3-4, pgphs. 0031-0032; also see fig. 4).

For **claim 7**, Rothmuller, as modified by Adock, discloses the apparatus according to claim 1, wherein the second display control unit limits the predetermined number of photographed image data to be simultaneously displayed in the selected display area to one (pgs. 2-4, pgphs. 0018, 0031-0032; also see fig. 4).

For **claim 11**, Rothmuller, as modified by Adock, discloses the apparatus according to claim 1 further comprising a display area designation unit configured to designate an arbitrary display area of the predetermined given number of display areas (pg. 2, pgph. 0018; pg. 4, pgphs. 0032-0034). Also on pg. 2, pgph. 0024, Rothmuller discloses that metadata associated with a photo can be viewed and edited at once for a plurality of photographed image data included in the group designated by the group designation unit. Also, please see figs. 2 and 4. Adock discloses an image processing unit (see fig. 15) configured to execute predetermined image processing (col. 7, line 59 – col. 8, line 37).

For **claim 13**, Rothmuller as modified by Adock discloses the apparatus according to claim 11, further comprising an image processing designation unit configured to designate a type of image processing, and wherein the image processing unit executes image processing of the type designated by the image processing designation unit at once for the plurality of photographed image data (Rothmuller pg. 2, pgphs. 0018-0024; Adock see figs. 13-14 & 17-18 and read col. 7, lines 10-60 & col. 8, line 59 – col. 9, line 67).

For **claim 20**, Rothmuller, as modified by Adock, discloses the apparatus according to claim 1, further comprising

a display area designation unit configured to designate an arbitrary display area of the given number of display areas (pg. 2, pgphs. 0018-0024), and

a fourth display control unit configured to simultaneously display, on the display, a plurality of photographed image data including photographed image data which are limitable by the second display control unit and are not displayed, in the arbitrary display area designated by the display area designation unit (pgs. 3-4, pgphs. 0031-0032; also see fig. 4).

For **claim 21**, Rothmuller, as modified by Adock, discloses the apparatus according to claim 20, further comprising

an image selection unit configured to select arbitrary photographed image data from the plurality of photographed image data simultaneously displayed on the display by the fourth display control unit (pgs. 2-3, pgphs. 0018-0024).

a fifth display control unit configured to display, on the display, an enlarged image (see fig. 2) of the photographed image data selected by the image selection unit (pgs. 2-3, pgphs. 0018-0024).

For **claim 22**, Rothmuller, as modified by Adock, discloses the apparatus according to claim 1, further comprising, an image sensor configured to sense an object image and output photographed image data (pg. 2, pgph. 0017 – inherent because the apparatus includes a digital camera), and wherein the memory records the photographed image data output from the image sensor (pg. 2, pgph. 0017).

For **claim 23**, Rothmuller, as modified by Adock, discloses an image reproduction apparatus (fig. 1 and pg. 2, pgph. 0017 – the photo input devices, [i.e. digital camera, CD-ROM, etc.]) which is connectable to a memory (database) configured to record a plurality of photographed image data (pg. 2, pgph. 0017), the image reproduction apparatus comprising;

a display (fig. 1, pg. 2, pgph. 0018);

a classification unit (fig. 1, tagging) configured to classify the plurality of photographed image data recorded in the memory into a plurality of different groups in accordance with a predetermined condition (pg. 2, pgphs. 0017-0023);

a first display control unit (displaying one photo with a tag) configured to limit a number of the plurality of photographed image data to be simultaneously displayed in each group to a predetermined number (pg. 2, pgph. 0018; pg. 4, pgphs. 0032-0034); and

However, Rothmuller does not expressly disclose a second display control unit configured to sequentially display other photographed image data from among all of the plurality of photographed image data included in each group and not displayed within the predetermined number of simultaneously displayed photographed image data, by changing the predetermined number of photographed image data simultaneously displayed in each group, while maintaining the display control of the first display control unit thereby continuously displaying on the display all of the other photographed image data included in each group.

In a similar field of endeavor, Adock a second display control unit (figs. 2 and 3) configured to sequentially display other photographed image data from among all of the plurality of photographed image data included in each group and not displayed within the predetermined number of simultaneously displayed photographed image data, by changing the predetermined

number of photographed image data simultaneously displayed in each group, while maintaining the display control of the first display control unit thereby continuously displaying on the display all of the other photographed image data included in each group (col. 3, line 54 – col. 4, line 4). Also see figs. 13-14 & 17-18 and read col. 7, lines 10-60 & col. 8, line 59 – col. 9, line 67. In light of the teaching of Adock, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Rothmuller with the apparatus of Adock in order to provide an improved the ability to navigate, view, and manipulate a collection of digital images utilizing a GUI (Adock, col. 2, lines 48-56).

Claim 32 is an image reproduction method claim corresponding to an image reproduction apparatus claim 1. Therefore, claim 32 is analyzed and rejected as previously discussed with respect to claim 1.

Claim 33 is a computer readable medium having recorded thereon a computer readable program for controlling an image reproduction apparatus claim corresponding to an image reproduction apparatus claim 1. Therefore, claim 33 is analyzed and rejected as previously discussed with respect to claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571)272-7316. The examiner can normally be reached on 10:00 am - 6:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David L. Ometz/
Supervisory Patent Examiner, Art Unit
2622

/C. J. Q./
Examiner, Art Unit 2622
November 20, 2010